

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2836 - SB 2685

March 31, 2022

SUMMARY OF BILL: Enhances the penalty for failing to exercise due care while driving, from a Class C misdemeanor to a Class A misdemeanor when it results in serious bodily injury, and to a Class E felony when it results in death.

FISCAL IMPACT:

Increase State Expenditures – \$64,500 Incarceration

Increase Local Expenditures – \$45,900/FY22-23 and Subsequent Years*

Assumptions:

- Pursuant Tenn. Code Ann. § 55-8-136, every driver of a vehicle is required to exercise due care to avoid colliding with any pedestrian upon any roadway.
- This analysis assumes individuals charged with failure to exercise due care while driving pursuant to this legislation would be charged with a Class C misdemeanor offense pursuant to Tenn. Code Ann. § 55-8-136(c) under current law.
- Based on information provided by the Administrative Office of the Courts (AOC), there has been an average of 50.4 Class C misdemeanor convictions for failing to exercise due care while driving in each of the last 10 years.
- This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are 504 convictions (50.4 / 10.0%) per year for a Class C misdemeanor failure to exercise due care.
- It can be reasonably assumed that 10 percent or 50.4 (504 x 10.0%), of such convictions resulted in serious bodily injury and will be classified as a Class A misdemeanor under this legislation.
- It is assumed that an individual convicted of a Class A misdemeanor offense will spend an average of 15 days in a local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$60.69.
- The recurring mandatory increase in expenditures to local governments is estimated to be \$45,882 (50.4 convictions x \$60.69 x 15) in FY22-23 and subsequent years.
- It can be reasonably assumed that one percent or 5 (504 x 1.0%), of such convictions resulted in death and will be classified as a Class E felony under this legislation.
- The average time served for a Class E felony is 0.66 years.

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- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 60,100	FY22-23
\$ 60,600	FY23-24
\$ 61,100	FY24-25
\$ 61,600	FY25-26
\$ 62,100	FY26-27
\$ 62,500	FY27-28
\$ 63,000	FY28-29
\$ 63,500	FY29-30
\$ 64,000	FY30-31
\$ 64,500	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$64,500.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is minimal due to defendants often not being able to pay them; therefore, any increase in local revenue from fines is estimated to be not significant.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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